

RESOLUTION NO. A-_____

1 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor
2 as the Chief Executive Officer and the City Council as the Legislative body of this City, with
3 full citizen participation with reference thereto and in full compliance with the U.S.
4 Department of Housing and Urban Development requirements, has prepared the City of
5 Lincoln FY 2002 Action Plan: One Year Use of Funds for HUD Entitlement Programs under
6 the provisions of 24 C.F.R., Part 91, et al.; and

7 WHEREAS, such plan includes the proposed community development
8 activities and community development objectives, all prepared in full compliance with the
9 requirements, instructions, and recommendations contained in the Community
10 Development Block Grant Regulations, HOME Investment Partnerships Act Regulations,
11 and Emergency Shelter Grant Program Regulations; and

12 WHEREAS, such plan and the items contained therein and each of them
13 appear to be in the best interest of the City of Lincoln, Nebraska; and

14 WHEREAS, certain assurances must be incorporated into the City of
15 Lincoln's FY 2002 Action Plan, as prescribed in the Community Development Block Grant
16 Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter
17 Grant Regulations and 24 C.F.R., Part 91.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
19 Lincoln, Nebraska:

20 That the FY 2002 Action Plan, a copy of which is attached hereto, is
21 consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY

1 2002 Action Plan to the Department of Housing and Urban Development for total grants
2 for Fiscal Year 2002 in the amount of \$5,360,059 (\$3,339,068 CDBG; \$1,944,991 HOME;
3 and \$76,000 Emergency Shelter Grant) under the provisions of Title I of the Housing and
4 Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez
5 National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart
6 B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item
7 included therein is hereby approved. The Mayor and other City officials charged with
8 responsibilities pertinent to the proposed certifications are hereby authorized to execute
9 said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is
10 hereby authorized and directed to execute said statement for and on behalf of the City of
11 Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development,
12 or his designate, in the form and substance as required by the Community Development
13 Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency
14 Shelter Grant Regulations, and to supplement such Action Plan in any way reasonably
15 required by the Department of Housing and Urban Development to expedite approval of
16 the same.

17 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby
18 assures and certifies that it will comply with the regulations, policies, guidelines, and
19 requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and
20 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and
21 use of Federal funds for the City's federally-assisted programs.

22 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby
23 assures and certifies with respect to the FY 2002 Action Plan that:

- 1 1. The City will affirmatively further fair housing.
- 2 2. The City has in effect and is following a residential anti-displacement and
3 relocation assistance plan.
- 4 3. The City will continue to provide a drug-free workplace by:
 - 5 a. Publishing a statement notifying employees that the unlawful
6 manufacture, distribution, dispensing, possession, or use of a controlled substance is
7 prohibited in the grantee's workplace and specifying the actions that will be taken against
8 employees for violation of such prohibition;
 - 9 b. Establishing an ongoing drug-free awareness program to inform
10 employees about -
 - 11 i. The dangers of drug abuse in the workplace;
 - 12 ii. The grantee's policy of maintaining a drug-free work-place;
 - 13 iii. Any available drug counseling, rehabilitation, and employee
14 assistance programs; and
 - 15 iv. The penalties that may be imposed upon employees for drug
16 abuse violations occurring in the workplace;
 - 17 c. Making it a requirement that each employee to be engaged in the
18 performance of the grant be given a copy of the statement required by subparagraph (1);
 - 19 d. Notifying the employee in the statement required by sub-paragraph (a)
20 that, as a condition of employment under the grant, the employee will:
 - 21 i. Abide by the terms of the statement; and

- 1 ii. Notify the employer in writing of his or her conviction for a
2 violation of a criminal drug statute occurring in the workplace
3 no later than five calendar days after such conviction;
- 4 e. Notifying the agency in writing, within ten calendar days after receiving
5 notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of
6 such conviction. Employers of convicted employees must provide notice, including position
7 title, to every grant officer or other designed on whose grant activity the convicted
8 employee was working, unless the Federal agency has designated a central point for the
9 receipt of such notices. Notice shall include the identification number(s) of each affected
10 grant;
- 11 f. Taking one of the following actions, within 30 calendar days of
12 receiving notice under subparagraph d.ii., with respect to any employee who is so
13 convicted -
- 14 i. Taking appropriate personnel action against such an
15 employee, up to and including termination, consistent with the
16 requirements of the Rehabilitation Act of 1973, as amended;
17 or
- 18 ii. Requiring such employee to participate satisfactorily in a drug
19 abuse assistance or rehabilitation program approved for such
20 purposes by a federal, state, or local health, law enforcement,
21 or other appropriate agency;
- 22 g. Making a good faith effort to continue to maintain a drug-free
23 workplace through implementation of subparagraphs a, b, c, d, e, and f.

1 4. The City will comply with restrictions on lobbying required by 24 CFR part 87,
2 together with disclosure forms if required by that part. The City further certifies that to the
3 best of the City's knowledge and belief:

4 a. No federal appropriated funds have been paid or will be paid, by or on
5 behalf of the City, to any person for influencing or attempting to influence any officer or
6 employee of an agency, a member of Congress, an officer or employee of Congress, or
7 an employee of a member of Congress in connection with the awarding of any federal
8 contract, the making of any federal grant, the making of any federal loan, the entering into
9 of any cooperative agreement, and the extension, continuation, renewal, amendment, or
10 modification of any federal contract, grant, loan, or cooperative agreement;

11 b. If any funds other than federal appropriated funds have been paid or
12 will be paid to any person for influencing or attempting to influence an officer or employee
13 of any agency, a member of congress, an officer or employee of Congress, or an employee
14 of a member of Congress in connection with this federal contract, grant, loan, or
15 cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form
16 to Report Lobbying," in accordance with its instructions; and

17 c. The City will require that the language of paragraph 4 of this
18 certification be included in the award documents for all subawards at all tiers (including
19 subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements)
20 and that all subrecipients shall certify and disclose accordingly.

21 5. The City possesses legal authority under state and local law to make a grant
22 submission and to carry out the proposed community development and housing program
23 for which it is seeking funding in accordance with applicable HUD regulations. By passage

1 of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby
2 authorized to submit the Action Plan, including all the understandings and assurances
3 contained therein. Further the Mayor is hereby directed and authorized to act in
4 connection with the submission of the Action Plan and to provide such additional
5 information as may be required.

6 6. The housing activities to be undertaken with CDBG, HOME, and ESG funds
7 are consistent with the City's strategic plan.

8 7. The City will comply with the acquisition and relocation requirements of the
9 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as
10 amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations;
11 and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement
12 and relocation assistance plan under Section 104(d) of the Act (including a certification that
13 the grantee is following such a plan); and the relocation requirements of 24 C.F.R. §
14 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

15 8. The City will comply with Section 3 of the Housing and Urban Development
16 Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

17 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies
18 with respect to the Community Development Block Grant program portion of the FY 2001
19 Action Plan that:

20 1. The City is in full compliance and following a detailed citizen participation plan
21 that satisfies the requirement of 24 CFR § 91.105 and which:

22 a. Provides for and encourages citizen participation, with particular
23 emphasis on participation by persons of low and moderate income who are residents of

1 slum and blighted areas and of areas in which funds are proposed to be used, and
2 provides for participation of residents in low and moderate income neighborhoods as
3 defined by the City;

4 b. Provides citizens with reasonable and timely access to local meetings,
5 information, and records relating to the City's proposed use of funds, as required by the
6 regulations of the Secretary, and relating to the actual use of funds under the Act;

7 c. Provides for technical assistance to groups representative of persons
8 of low and moderate income that request such assistance in developing proposals with the
9 level and type of assistance to be determined by the grantee;

10 d. Provides for public hearings to obtain citizen views and to respond to
11 proposals and questions at all stages of the community development program, including
12 at least the development of needs, the review of proposed activities, and review of program
13 performance, which hearings shall be held after adequate notice, at times and locations
14 convenient to potential or actual beneficiaries, and with accommodation for the
15 handicapped;

16 e. Provides for a timely written answer to written complaints and
17 grievances, within 15 working days where practicable; and

18 f. Identifies how the needs of non-English speaking residents will be met
19 in the case of public hearings where a significant number of non-English speaking
20 residents can be reasonably expected to participate;

21 2. The City's consolidated housing and community development plan identifies
22 community development and housing needs and specifies both short-term and long-term
23 community development objectives that have been in accordance with the primary

1 objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and
2 the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3 3. The City is following a current HUD approved consolidated plan.

4 4. The City has developed its final statement of projected use of funds so as to
5 give maximum feasible priority to activities which benefit low and moderate income families
6 or aid in the prevention or elimination of slums or blight; (the final statement of projected
7 use of funds may also include activities which the grantee certifies are designed to meet
8 other community development needs having a particular urgency because existing
9 conditions pose a serious and immediate threat to the health or welfare of the community,
10 and other financial resources are not available); except that the aggregate use of CDBG
11 funds received under Section 106 of the Act and, if applicable, under Section 108 of the
12 Act, during program year 2002 shall principally benefit persons of low and moderate
13 income in a manner that ensures that not less than 70 percent of such funds are used for
14 activities that benefit such persons during such period.

15 The City will not attempt to recover any capital costs of public improvements
16 assisted in whole or in part with funds provided under Section 106 of the Act or with
17 amounts resulting from a guarantee under Section 108 of the Act by assessing any amount
18 against properties owned and occupied by persons of low and moderate income, including
19 any fee charged or assessment made as a condition of obtaining access to such public
20 improvements, unless:

21 a. Funds received under Section 106 of the Act are used to pay the
22 proportion of such fee or assessment that relates to the capital costs of such public
23 improvements that are financed from revenue sources other than under Title I of the Act;
24 or

1 b. For purposes of assessing any amount against properties owned and
2 occupied by persons of moderate income, the City certifies to the Secretary that it lacks
3 sufficient funds received under Section 106 of the Act to comply with the requirements of
4 subparagraph (1) above.

5 5. The City has adopted and is enforcing:

6 a. A policy prohibiting the use of excessive force by law enforcement
7 agencies within its jurisdiction against any individuals engaged in non-violent civil rights
8 demonstrations; and

9 b. A policy of enforcing applicable state and local laws against physically
10 barring entrance to or exit from a facility or location which is the subject of such non-violent
11 civil rights demonstrations within its jurisdiction.

12 6. The City will conduct and administer the grant in compliance with Title VI of
13 the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing
14 Act (42 U.S.C. 3601-19), and implementing regulations.

15 7. The City's notification, inspection, testing and abatement procedures
16 concerning lead-based paint will comply with 24 C.F.R. § 570.608.

17 8. The City will comply with all applicable law.

18 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies
19 with respect to the Emergency Shelter Grant Program portion of the FY 2002 Action Plan
20 that:

21 1. In the case of assistance involving major rehabilitation or conversion, the City
22 will maintain any building for which assistance is used under the ESG program as a shelter
23 for homeless individuals and families for not less than a 10-year period;

1 2. In the case of assistance involving rehabilitation less than that covered under
2 paragraph (1), the City will maintain any building for which assistance is used under the
3 ESG program as a shelter for homeless individuals and families for not less than a three-
4 year period;

5 3. In the case of assistance involving essential services (including but not limited
6 to employment, health, drug abuse, or education) or maintenance, operation, insurance,
7 utilities and furnishings, the City will provide services or shelter to homeless individuals and
8 families for the period during which the ESG assistance is provided, without regard to a
9 particular site or structure as long as the same general population is served;

10 4. Any renovation carried out with ESG assistance shall be sufficient to ensure
11 that the building involved is safe and sanitary;

12 5. The City will assist homeless individuals in obtaining appropriate supportive
13 services, including permanent housing, medical and mental health treatment, counseling,
14 supervision, and other services essential for achieving independent living, and other
15 Federal, State, local, and private assistance available for such individuals;

16 6. The City will obtain matching amounts required under 24 C.F.R. §576.71
17 (redesignated to § 576.51);

18 7. The City will develop and implement procedures to ensure the confidentiality
19 of records pertaining to any individual provided family violence prevention or treatment
20 services under any project assisted under the ESG program, including protection against
21 the release of the address or location of any family violence shelter project except with the
22 written authorization of the person responsible for the operation of that shelter;

23 8. To the maximum extent practicable, the City will involve, through
24 employment, volunteer services, or otherwise, homeless individuals and families in

1 constructing, renovating, maintaining, and operating facilities assisted under this program,
2 in providing services assisted under the program, and in providing services for occupants
3 of facilities assisted under the program; and

4 9. The City is following a current HUD-approved consolidated plan.

5 BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies
6 with respect to the HOME program portion of the FY 2002 Action Plan that:

7 1. The tenant-based assistance is an essential element of its consolidated plan;

8 2. The City is using and will use HOME funds for eligible activities and costs,
9 as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using
10 and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R.
11 Subtitle A;

12 3. The before committing funds to a project, the City will evaluate the project in
13 accordance with guidelines that it adopts for this purpose and will not invest any more
14 HOME funds in combination with other federal assistance than is necessary to provide
15 affordable housing.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2002:

Mayor